

Town of Los Altos Hills

City Council Regular Meeting Minutes

Thursday, March 13, 2008
Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Jones called the City Council Regular Meeting to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Craig A.T. Jones, Vice Mayor Jean Mordo, Councilmember Breene Kerr, Councilmember Mike O'Malley and Councilmember Dean Warshawsky
Absent: None
Staff: City Manager Carl Cahill; City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Planning Director Debbie Pedro, Associate Planner Brian Froelich, City Attorney Steve Mattas, and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to limit comments from the floor to two minutes.

PASSED BY CONSENSUS OF THE COUNCIL: To adjourn the meeting at 11:00 p.m. and to continue any Agenda Items that had not been addressed to the next regularly scheduled meeting. Any item that was under consideration at 11:00 p.m., discussion would be continued to its conclusion.

CONSENT CALENDAR

Mayor Jones recommended that Agenda Item #7 be added to the Consent Calendar. Council concurred.

MOTIONED SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve the items on the consent calendar; specifically:

MOTION SECONDED AND CARRIED:

1. Approval of Meeting Minutes: Regular City Council Meeting February 28, 2008
2. Approval for the Purchase of Vehicle for Building Inspection Services
Resolution No. 16-08
3. Acceptance of Parks and Recreation Center Patio Refurbishment Project
Resolution No. 17-08

4. Approval of Resolution for Town Membership Application to the International Council for Local Environmental Initiatives (ICLEI)
Resolution No. 18-08
7. Consideration of Contract for Installation of Two Driver Speed Feedback Signs on Fremont Road near Bullis-Purissima-Resolution No. 19-08

PRESENTATIONS FROM THE FLOOR

Nancy Couperus, Page Mill Road, invited the City Council and audience to an informational event on “Bringing Back the Birds to Bay Area Streams.” The program scheduled for April 2, 2008 at Town Hall was being co-sponsored by Hidden Villa and the Los Altos Hills Open Space Committee. RSVP’s to the event were requested.

Joan Mellea, resident, expressed her opposition to a full size soccer field being constructed at the Bullis campus and any funding of the LASD proposed project by the Town. She suggested that it would be inappropriate to revisit the issue without prior notification to the neighbors.

Mayor Jones advised the speaker that the item was not under consideration by the Council.

UNFINISHED BUSINESS

5. Consideration of Donation Subject to Participation by Other Municipalities in an Amount up to \$25,000 for Land Acquisition for a Permanent Day Worker Center of Mountain View (Item continued from 2/28/08 Regular City Council Meeting)

Vice Mayor Mordo introduced the item to Council. He provided a summary of the request. A citizens’ group of residents from Los Altos, Los Altos Hills and Mountain View of which Mordo is a member have been investigating a permanent facility solution for the Day Worker Center of Mountain View (DWC). The Center is temporally being housed in a local church.

Recently, a small, inexpensive site in a suitable location for the facility was located. The DWC has entered into a contract to purchase the property with the close of escrow scheduled for May 31, 2008. A capital campaign to raise the needed funds to acquire the property and perform the necessary remodeling was underway. Mordo had introduced a request for the Town to participate in funding of the acquisition at the last Council meeting.

In the interim between Council meetings, Mordo had spoken to members of the Mountain View and Los Altos City Councils. Both Councils would be considering funding for the facility at upcoming meeting. Mordo noted that he planned to address both bodies.

Mordo reviewed the donation parameters. He proposed a one-time \$25,000 donation that equated to approximately \$3.00 per resident. Mordo noted that he would be

recommending a motion for the City Council to pledge a donation up to \$25,000 subject to participation from the cities of Los Altos and Mountain View with a donation of \$100,000.

OPENED PUBLIC COMMENT

Maria Marroquin, Director, Day Worker Center, addressed the Council. Ms. Marroquin has been affiliated with the Center for nine years. She commented that a permanent site for the Day Worker Center would be beneficial to the whole community. She urged the Council to approve the \$25,000 donation and offered that she was available to answer their questions.

Jitze Couperus, Los Altos Hills resident, commented that he supported the donation to the Center and suggested that it should not be dependent upon the other cities' actions. Couperus uses the Center to hire workers and spoke to the value of knowing who you were hiring and bringing into your home versus hiring the workers standing on the street corners of El Camino.

Harry Adams advised Council that he had hand delivered a letter from Assemblywoman Sally Lieber to Town Hall prior to the meeting. The letter expressed her support for the purchase. The letter was available to Council on the dais.

Ed Seaman, Los Altos Hills resident, expressed his support for the donation. Seaman has volunteered his services to the Center for the past two years. He teaches English pronunciation to the workers. He spoke to the value of the center both to the workers and the citizens from the surrounding communities that employ the workers.

Paul Nyberg, Los Altos resident, noted that approximately 25 years ago, the day workers began congregating on El Camino Real. He noted that the workers were not seeking "hand-outs" but were looking for work. Nyberg had visited the proposed new location for the Day Worker Center and commented that it was reasonable and could serve as an effective permanent solution for the facility that provided many critical resources to the workers. Nyberg encouraged the Council to support the donation.

Laura Casas Frier, Los Altos resident, spoke of the positive leadership offered by Director Maria Marroquin and supported the Town's donation to the Day Worker Center.

Brian Mellea, Los Altos Hills resident, expressed his support for the grant to the Day Worker Center. He employed workers from the Center for the past eight years and found the workers to be very reliable. Mellea offered that a permanent facility would provide a safe environment for the workers and employers and enable the Center to better meet the multiple needs of their client base.

George Stafford, Los Altos Hills resident, offered that a permanent site for the Day Workers Center was a positive solution to an ongoing problem. He encouraged the Council to approve the donation and suggested that it would send a positive message to the other communities.

Jim Abraham, Los Altos Hills resident, spoke against the donation. He acknowledged the critical financial problems facing the country and suggested that the multitude of illegal aliens that pay little taxes and use many social resources was a factor. Abraham suggested that the donation was more a political action and the Council was asking the residents to help build a “clubhouse” for people that were in the country illegally and that the action could potentially encourage more illegal aliens.

Sue Sullivan, Los Altos Hills resident, taught English at the Center and extended an invitation to anyone interested in the programs to visit the facility. She offered that the programs at the Center provided an education; medical care; a safe gathering place for the workers; and, reduced the number of workers soliciting on the streets. She thanked the City Council for considering the donation and recognizing the Day Worker Center.

Tony Lopez, Board Member, Day Worker Center of Mountain View, spoke to the legality of the Council approving funds for the Center. He noted that the County and City of San Mateo both fund Day Worker Centers with municipal funds. Additionally, the City of Mountain View and Palo Alto support the DWC through grants.

CLOSED PUBLIC COMMENT

City Council Comments:

Vice Mayor Mordo acknowledged that he had spoken with Supervisor Liz Kniss. Kniss expressed her support for the proposed purchase and would be submitting a request for County funds for the project to the Board of Supervisors.

Councilmember O’Malley noted that the Day Worker Center was an excellent cause. It provided a place for people that wanted to work to find work. He and his wife had made a personal donation to the Center. However, he was concerned with a donation in the amount of \$25,000 noting that the Town’s entire budget for non-profit grants last year was approximately \$55,000. Council had put in place a process for reviewing the charitable contributions in June and O’Malley spoke to the innumerable worthy causes and service agencies that provide direct services to the Los Altos Hills community that vie for the grants. O’Malley acknowledged that he could support a commitment of \$10,000 but did not support any additional funding suggesting it violated the Council’s procedures for reviewing grants and would far exceed the other grants to service agencies approved by Council.

Councilmember Warshawsky spoke to the difficult decision that confronted elected officials to determine which of the enumerable good causes to support. He thanked the public for their comments. Warshawsky concurred with Councilmember O’Malley and reiterated the process that had been developed by Vice Mayor Mordo to review the numerous requests received from service agencies and programs for grants. He suggested that he could support a nominal donation but the amount being considered was substantially more than the other allocations and approximately half of the Council’s annual contribution. Warshawsky acknowledged the excellent work done by the volunteers at the Center but offered that it was important to be consistent with the review process.

Councilmember Kerr questioned if the \$25,000 was a fixed number. Mordo explained that he believed the number was appropriate and would serve as an incentive for the larger cities that were closer to the Center, Los Altos and Mountain View, to allocate a more substantial amount, possibly \$100,000-\$150,000. He reiterated that the proposal was for a donation pledge.

Councilmember Kerr offered that he would be supportive of a pledge that was proportional to the municipalities' populations in an amount not-to-exceed \$25,000.

Mayor Jones prefaced his comments by stating that he was speaking as a councilmember not as Mayor. He believed there was a direct nexus to Los Altos Hills and the Day Workers Center offering. Many of the workers come into Town on a daily basis to work in residents' gardens and homes. Jones believed that the Town should be part of a regional cooperative project and noted that this was a one-time donation that could be viewed as the equivalent of \$5,000 for five consecutive years.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed by the following voice vote to approve a pledge in an amount not-to-exceed \$25,000 subject to proportional donations based on population from the cities of Mountain View and Los Altos.

AYES: Jones, Mordo, Kerr

NOES: O'Malley and Warshawsky

ABSTAIN: None

ABSENT: None

6. City Council Consideration of Ad Hoc Committee Recommendation and Provide Direction to Ad Hoc Committee to Negotiate a Franchise Agreement with Selected Franchisee (Item continued from 2/28/08 Regular City Council Meeting)
(Staff: N. Pegueros)

Finance Director Nick Pegueros introduced the item to Council. At the February 28, 2008 meeting, the City Council had requested that the Ad Hoc Committee research several concerns that had arisen during the previous discussion. Specifically, to identify the cost differentials between the two proposals; review GreenWaste's proposed vehicle equipment and their ability to service the Town; the recycling effort of GreenWaste Recovery, Inc. as it related to the Town's conservation goals; hiring preferences for Norcal Workers; and wages paid to drivers. The staff report before Council addressed each of the concerns.

Pegueros deferred to Richard Gertman, Environmental Planning Consultants. Gertman had assisted the Town in the review process of the solid waste proposals. Pegueros noted that Mr. Gertman was considered a regional expert on solid waste franchise agreements and had conducted an extensive analysis of the questions.

Gertman provided an overview of the five points.

Cost Differential:

Gertman offered that the differing designs in the solid waste collection system was the primary source of cost differentials between Norcal (LAGCo) and GreenWaste proposals.

GreenWaste's proposal was for five trucks and five drivers to collect the solid waste generated by the Town with a "single pass". This method provided a savings on fuel, equipment and manpower. LAGCo's proposal was to use three different trucks with nine drivers to collect the garbage, recyclables and plant trimmings.

Proposed Equipment (Vehicles):

The new trucks proposed by GreenWaste Recovery had a longer wheel base but a tighter turning radius. This indicated that the vehicle would be able to service the routes that included tight-twisty roads and tight spaces.

Hiring Preference:

GreenWaste had acknowledged that they would hire displaced Norcal drivers that were currently working in Los Altos Hills. They would require at least a year's service in the community to ensure their familiarity with the routes.

Wages Paid to Drivers:

GreenWaste was prepared to increase the wage paid to drivers assigned to Los Altos Hills to \$31.50 per hour plus benefits. This would equal the highest rate currently paid by GreenWaste to any of its drivers and was equivalent to salaries paid by the Teamsters.

Recycling Effort:

GreenWaste Recovery proposal projected a higher recovery rate than Norcal (LAGCo). They projected a diversion rate of at least 75% for the Town of Los Altos Hills with nothing being diverted directly to the landfill without first being processed. Norcal's proposal projected some percentage of the collection going directly to landfill. This accounted for the 15% higher diversion rate expected from the GreenWaste process.

Jay Schideler, Ad Hoc Committee member and Standing Environmental Initiatives Committee Chair addressed Council. Schideler noted that he wished to initially comment on several misconceptions that have been circulating in Town. The concerns included wages and benefits, the quality of mulch, and side-yard service. He reviewed the wage rate paid by GreenWaste Recovery and noted that they do initially pay a lower wage but as the drivers become more proficient, their wages were increased and in some instances were higher than Norcal's Teamster Los Altos Hills drivers. Additionally GreenWaste employees received substantial benefits including a contribution to their 401k plans. With regards to the mulch that would be available for residents use at Westwind Barn if the Town contracted with GreenWaste being contaminated, Schideler clarified that LAGCo currently used GreenWaste's composting facility at Zanker Road and therefore there would be not change in the product. Schideler explained that the vehicles being proposed by GreenWaste for use in the Town had a smaller turning radius than the LAGCo trucks and were specifically designed for driveways that meet the streets with deep gutters and there was no expectation of any difficulty in collecting refuse at the resident's side-yard. Additionally, GreenWaste has agreed to provide walk-up service for garbage and recyclables as requested.

Schideler restated his conversations with the Town Managers from Portola Valley and Woodside, currently franchising with GreenWaste. Both municipalities were pleased with their overall service. In 2007, Capitola, Santa Cruz, Scotts Valley and Burbank entered

into contracts with GreenWaste. Currently, ten communities use GreenWaste and all have chosen programs with weekly collection services.

Shideler concluded his comments by commenting on the status of the Los Altos Hills current drivers. They would not be laid off due to their seniority. He understood some of the apprehension expressed for the proposed change but believed that once the change was made, the Town's recycling efficiency would increase dramatically. Schideler reminded the Council that in 2000 the State had mandated that communities recycle at least 50% of their waste. Currently the legislature is reviewing an increase in the mandatory recycling requirement to 75% with severe penalties for nonconforming communities. He did not believe that Norcal would or could meet this demand without a substantial fee increase in their rates. In contrast, GreenWaste was exceeding this recycling rate in many of its communities.

Schideler encouraged the Council to accept the recommendation of the Solid Waste Franchise Ad Hoc Committee and he proposed the Town set a goal for the year 2009 to exceed a recycling rate of 85% to set a standard for other communities to follow.

Presentation by GreenWaste Recovery and Los Altos Garbage Company (Norcal Waste Systems)

GreenWaste Recovery, Inc.

Tracy Adams, Controller, GreenWaste Recovery Inc. addressed Council. Adams offered that there were four key issues to be considered while reviewing the proposal: cost, trust, recovery, and the drivers. Regarding cost, Adams noted that their proposal was 35% less than Norcal's with an expected savings to the residents of over \$750,000 annually. Drivers employed by GreenWaste would receive full medical benefits paid by the company for themselves and their families. Additionally, GreenWaste provided a 401K and life insurance for the drivers. Adams explained that their proposal had been "built" by developing an efficient refuse collection program. Their proposal called for fewer drivers, less vehicles, and less fuel. This would result in a reduction in emissions and wear on Town roads.

Adams referenced their service to the communities of Woodside and Portola Valley as prime examples of the ability of their company and employees to develop a relationship of trust with the residential customers. The company currently services 8,000 customers that have been identified as "hard to service" residences with over 1,000 customers requesting side yard service. He noted that the company was very proud of their record of excellent customer service.

Jeff Christina, GreenWaste Recovery, addressed Council and spoke to the firm's recycling program. He suggested that GreenWaste was a recycling company that also collected garbage. Their goal was to reduce as much material as possible from the waste-stream and help reduce the carbon footprint. GreenWaste planned to process all material collected from Los Altos Hills in their new state-of-the-art recovery facility. They expected to recover a high level of recyclables (75%) by using the most current European and traditional technologies to remove the recyclables from the collected household trash. Christina noted that their new facility would have roof mounted solar panels.

Christina reviewed the different recycling levels included in the submitted proposals. The RFP had called for approximately 6,050 tons of materials to be collected in Los Altos Hills annually. GreenWaste proposed to recycle a minimum of 75% of the material in comparison to LAGCo's 61% for a difference of 847 tons that would be diverted from the landfill. He reiterated the company's mission to recycle.

Frank Weigel, COO, GreenWaste Recovery, Inc. spoke to the question posed by Council at their last meeting regarding the status of the current LAGCo Los Altos Hills drivers and the GreenWaste proposal. Weigel explained that the company would extend an offer of employment to the incumbent drivers. Their familiarity of the routes and service area would be an asset to the company. Any driver with a year of experience in Town would be afforded a hiring preference. Weigel added that the company's proposal included all new vehicles with the latest emissions requirements and a turning radius 34% smaller than the Norcal vehicles.

Norcal Waste Systems, Inc./Los Altos Garbage Company

John Zirelli, General Manager, Los Altos Garbage Company addressed Council. He concurred with the comments of Jay Schideler that there was a great deal of misinformation circulating regarding the proposals. He requested a continuance of the item to afford an opportunity to answer all of the pertinent questions before a decision was made by the Council. Zirelli offered that the company was anticipating a layoff of eight employees if the Town did not renew their contract. GreenWaste had proposed to hire four new drivers, and as a result, four drivers would be displaced.

Zirelli suggested that there had been a rush to judgment based on the costs of the proposals and believed that salaries were a factor in the cost differential. He noted that he had not been contacted by any member of the Ad Hoc Committee during their review of the proposals nor had any member visited their facilities. He suggested that the agenda that had been proposed for the review process had not been followed and added that many items in their proposal had not been addressed.

Zirelli explained that LAGCo had a long business history with the Town and has been collecting garbage in Town for fifty years and the drivers had a combined history of 115 years experience with the Town. In a recent customer survey, the response had been 95% satisfied/very satisfied and many customers commented on the thoughtful and courteous drivers.

Zirelli offered that in response to an inquiry from the Town last week, they were willing to commit to a higher recycling rate than 65% and were willing to agree to a penalty if they did not meet their recycling goals. He explained that his company's collection process required more trucks because they do not mix trash with yard waste. They believe it contaminates the final product.

Council requested clarification on the recycling of mixed waste. Consultant Richard Gertman explained that the materials that were currently going to the landfill and causing problems would now be diverted. He concurred that a higher quality compost with more marketable applications could be produced with the current process employed by LAGCo,

however, the higher rate of recycling was very important and the quality of the compost was still saleable.

In response to Mayor Jones' questions, GreenWaste concurred that they were willing to contractually commit to providing walk-up service to all residents if their truck could not access the driveway; to offer a hiring preference to Los Altos Hills based drivers with a work history in Town of one year; and to pay the Teamster wage rate of \$30.50 to drivers hired for the Los Altos Hills contract.

OPENED PUBLIC COMMENT

Ruth McMann, Los Altos Hills resident supported the Town continuing the contract with Los Altos Garbage company. She spoke to their responsiveness when she had a problem with her service and the trust she had established with her driver.

Karen Lemes, Los Altos Hills resident, supported a continuation of the contract with LAGCo. She expressed a concern with the co-mingling of waste and suggested that the compost would not be clean.

Resident, Los Altos Hills, spoke in favor of retaining LAGCo for the garbage franchise. He commented that the service had been consistently good. He believed the community could afford the increase in rates.

John Lemes, Los Altos Hills resident, commended the City Council on their review process for the franchise. His experience with LAGCo had been excellent but if there was a change in the contractor, he wanted assurance that the current service options would be continued. Lemes was pleased to hear that GreenWaste would agree to the wage scale and offered benefits to their employees.

Public, Resident of Campbell, commented on the poor service provided to his community by GreenWaste. He suggested that the City Council review the bids very carefully.

Stuart Bessler, Los Altos Hills resident, urged the City Council to renew the contract with Los Altos Garbage Company. He was a long time resident and appreciated their excellent service and loyal staff. Bessler believed the proposed increase in rates was affordable.

Gary Sawka, Los Altos Hills resident, commented that he believed segregated recycling was a better solution and suggested that it was important for the country to improve the recycling of critical commodities.

Los Altos Hills resident, spoke in support of the Los Altos Hills Garbage company's employees and did not want to see good union jobs eliminated. He suggested that the Council should carefully consider the proposals and offered that saving money did not ensure loyalty.

Los Altos Hills resident, spoke to the trust and loyalty of the LAGCo drivers and favored retaining LAGCo as the franchisee. She suggested that the contract decision be left to the voters.

James Fergus, Daly City Teamster representative, suggested that it would be appropriate for the committee to implement a prevailing wage and benefits document into the original RFP.

Dwayne Beeson, legal counsel for Local 350, explained that the commitment from GreenWaste Recovery to hire current Los Altos Hills drivers was not satisfactory. Four or more jobs would be lost with the contract with a different vendor and with the collective bargaining agreement that included approximately 100 employees; employees with the least seniority would lose their jobs. Beeson requested Council include something in the franchise agreement that would assist the individual drivers impacted by the layoff that might not be working in the Town.

Jimmy Pula, GreenWaste employee, stated that during his thirteen years of employment he had always been treated well by the company.

Ricardo Lopez, Jr., GreenWaste employee, commented that he had been employed by the company for eleven years. The company offered many opportunities for advancement. He noted that he had started as a sorter and was currently a manager. Lopez added that the company treated their employees well.

Eric Aguilar, GreenWaste employee, commented that he had been a displaced worker that had been hired by GreenWaste.

Matt Cotton, composting industry consultant, addressed Council. He spoke to the number of recycling directives that were being adopted by the State and noted that the future of recycling was about organics. Cotton commented on the importance of removing food waste from garbage and advised the Council of current legislation that would increase the goals to remove organics from the waste stream to 75% from 50%. Cotton noted that food waste in the landfill was a contributor to greenhouse gases. He added that Norcal had incorporated a process similar to GreenWaste's at one of their facilities.

Elayne Dauber, Los Altos Hills resident, commented that she had served on the Los Altos Hills Council from 1992-2000. During her tenure she had served on the solid waste subcommittee that had negotiated a franchise agreement with LAGCo. She congratulated the Council and Ad Hoc Committee for going out to bid on the franchise. This was something that she had hoped would occur for a long time. She referenced the 1992 agreement with LAGCo that had only been in place for two years before the company approached the Town and the surrounding municipalities for a rate increase claiming that their costs had increased by 42%. The surrounding communities participated in a rate study but were unable to identify the expenses because most were charges in Norcal's not LAGCo's books. The Town was obligated by the agreement to absorb the increase costs and residents at the time were not pleased with the increases.

Dave Piling, Los Altos Hills resident, thanked Vice Mayor Mordo for answering his email questions promptly. He offered to personally visit and review the GreenWaste sorting facility.

Richard Partridge, Los Altos Hills resident, expressed his sympathy for the drivers but offered that it should be balanced with the ecological and environmental benefits that would be realized every year and their importance long term.

Los Altos Hills resident, thanked the City Council for looking into the issue. She commented on her long term, ongoing service problem with LAGCo management.

Mark Barchus, Los Altos Hills resident, commented that the proposal from GreenWaste was better for the environment for less cost. He spoke to some problems he had encountered with service from the current vendor and the Zanker Road center.

Jim Abraham, Los Altos Hills resident, thanked Vice Mayor Mordo and the Ad Hoc Committee for their thorough study and review of the proposals. Abraham commented that his service from LAGCo had been mediocre and he believed it was important to move forward on the proposal with GreenWaste that offered an enhanced service at a lower cost and would reduce the organic material going to the landfill. He encouraged the Council to contract with GreenWaste.

CLOSED PUBLIC COMMENT

Council comments:

Councilmember Kerr suggested that if the union drivers in Los Altos Hills were concerned about the younger drivers, they could voluntarily step down and apply for a position with GreenWaste.

Kerr noted that the Town had adopted Environmental Goals approximately three years ago and since that time progress had been made to reduce the electrical use at Town Hall and ways to reduce water usage at the Little League Field were currently being investigated. An additional Environmental Goal had been the reduction of fossil fuel by 25%. At the time that the goals were adopted, it had been determined that the two vendors using the most fuel in Town were the garbage company and the sheriff's department. Kerr stated that he had been unable to make any progress with LAGCo on fuel use during his tenure and stated that the fuel savings in GreenWaste's proposal were significant. He believed this was a viable reason to support the new contract.

Vice Mayor Mordo stated that he believed there was a clear choice between the two proposals. He noted that it was not as some comments had inferred, a company offering cheap service by exploiting its work force. GreenWaste offered superior technology, an efficient process and competitive salaries and benefits for their employees. This enabled them to pass the cost savings on to their customers.

Mordo reviewed the process for the RFP. The Town had prepared a detailed RFP and both companies had submitted their responses and one company had "won fair and square". Mordo offered that it was the obligation of the City Council to spend the people's money wisely. He noted that there had not been a competitive bid for thirty years and this had been a "healthy" review process.

Mordo summarized the factors that supported his choice of GreenWaste. Their bid promised a lower rate, better recycling, reduced fuel consumption, less wear and tear on Town streets and excellent service as supported by their work history in the Towns of Portola Valley and Woodside. Norcal was a large conglomerate and GreenWaste was a small-family owned business. He did not support dictating to one of the Town's contractors how to pay their employees and suggested that this was not a competitive business practice and could potentially set a precedent. He noted that the Town's workforce was not organized. GreenWaste had been able to retain a stable workforce and their current employees had chosen not to organize. Norcal had lost their contracts with both Portola Valley and Woodside because they had not kept up with new technology.

Councilmember Warshawsky questioned if weekly recycling was included in both bids as well as Town Clean-up Days. The response was yes. Warshawsky stated that this was one of the most difficult decisions he had faced in his six year tenure as a Councilmember. The Los Altos Garbage company had provided good service to the residents. However, GreenWaste had submitted an excellent bid to provide service at a lower cost and with many "green" enhancements that were consistent with the Town's conservation goals. He reiterated that it was a difficult decision but he supported the GreenWaste proposal.

Councilmember O'Malley concurred that this was a very difficult decision. LAGCo had provided good customer service relative to the collection of trash but recycling was an important component in the process. He acknowledged the Council's efforts towards conservation goals while building the new Town Hall. Solar systems and a low water landscape were both key elements incorporated into the facility. GreenWaste's proposal had a higher commitment to recycling and lower fuel emissions. The Ad Hoc committee had carefully considered the two proposals and noted that GreenWaste's service had been well received in Portola Valley and Woodside, communities that were very similar to the Town. O'Malley commented that reluctantly he concurred with his fellow Councilmembers and would support the bid from GreenWaste that provided a better complement to the Town's commitment to being "green".

Mayor Jones agreed that this was a difficult decision. He clarified that he was not anti-union and believed that they provided an important service to some workers. Jones offered that customer service was the most critical component of any contract and urged the Council to consider weekly yard waste service; the commitment from the vendor to collect at the home for every level of service; and, the continuation of the Town-wide clean up program.

Jones suggested that this review was a wake-up call for LAGCo and the Teamsters, noting that they could potentially continue to lose municipal contracts if they did not modernize their system. GreenWaste had a systematic advantage with their entire collection process, improved recycling, and lowered CO2 emissions.

Jones offered that the Town was not required to accept the low bid, if the Council deemed that the high bid better met the RFP requirements. However, in this instance one vendor, GreenWaste, had made a compelling rationale for accepting the lowest bidder. Jones reiterated the commitments that had been offered by GreenWaste: to offer a hiring preference to Los Alto Hills drivers that had a familiarity with the routes; to pay a wage of

\$30.50/hour plus CPI to drivers; and to offer walk-up/drive-up service to every residence that requested that collection service.

Councilmember Kerr suggested that the contract ensure customer service and suggested possible incentives including penalties if the company failed to meet their contractual obligations. Kerr offered that he was in concurrence with Mayor Jones on weekly recycling as a component of the franchise agreement.

Vice Mayor Mordo noted that he was not comfortable with dictating salary obligations as part of the contract.

City Manager Cahill clarified that the Town currently does not dictate wage requirements to other vendors. He suggested that marketplace conditions would dictate salaries.

City Attorney Steve Mattas explained that the Council did have the legal authority to require the higher wage rates, adding that it was a policy decision.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to receive the additional information from the Solid Waste Franchise Ad Hoc Committee on the proposals received for a seven year franchise agreement to provide Town residents with collection of garbage, recyclables, and plant trimmings beginning October 1, 2008.

Council discussion ensued regarding the direction to be given to the Solid Waste Franchise Ad Hoc Committee relative to the negotiations with GreenWaste Recovery, Inc. Council consensus supported customer service items including weekly pick-up for recyclables and yard waste, continuation of town-wide clean-up program; walk-up service and penalties for failure to perform the customer service aspects of the agreement. Jones, Kerr, Warshawsky and O'Malley supported the \$30.50 hourly wage pledge.

Mayor Jones complemented the work of the Ad Hoc Committee and EIC on the review that had resulted in the improved solution for the Town, and acknowledged Vice Mayor Mordo, who had insisted that the bid process move forward and a review be instigated,

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to direct the Ad Hoc Committee to negotiate a franchise agreement with GreenWaste Recovery, Inc for weekly collection of garage, recyclables and plant trimmings. The agreement should include enforcement and penalty provisions to ensure that customer service and other terms of the agreement were satisfied. Terms to include: walk-up service or the use of a small truck when the standard vehicles were unable to proceed up and down driveways; a provision for the right of first refusal or a hiring preference for Los Altos Garbage Company (LAGCo) drivers who have experience in Los Altos Hills; and, a contractual obligation to pay the drivers employed for Los Altos Hills \$30.50 per hour minimal rate plus CPI and standard benefits consistent with their statements during the comment period.

7. Consideration of Contract for Installation of Two Driver Speed Feedback Signs on Fremont Road near Bullis-Purissima Campus

Item considered and approved by the City Council as an addition to the consent calendar

COUNCIL RECESSED AT 9:15 P.M.

COUNCIL RECONVENED TO OPEN SESSION: 9:20 P.M.

8. Consideration of Request from Los Altos School District for an Amount up to \$158,000 for School Equipment and Furniture for the Opening of Bullis-Purissima Elementary School

Mayor Jones introduced the item to Council. He summarized his reasons for seeking support of funds to support the opening of Bullis-Purissima Elementary School. Council had a copy of his memo before them outlining the rationale for his request. Additionally, Council had a copy of a letter from Los Altos School District Superintendent Tim Justus that identified the items needed for the school and their associated costs.

Jones noted that the City Council at the February 28, 2008 meeting had reviewed the list of potential purchases that the Los Altos School District had requested to assist in the successful opening of the school. The items totaled \$158,000 and the list had been submitted at the request of the Mayor. Jones noted that the concept of assisting with the re-opening of the campus by funding school materials/equipment had developed during discussion of the Town's participation in the building of a soccer field at the campus. The field project was a more costly endeavor and not as critical to the successful opening of Bullis-Purissima and the education of the Town's children.

Jones explained that this was a one-time commitment of funds to the school and he believed this was a compelling opportunity to ensure that public education succeeded in Town. The re-opening of the elementary school would afford Town residents residing in either school districts (LASD or PAUSD) the opportunity to attend a true neighborhood school with reliable continuing attendance. Jones noted that the issue of public education in Town had been a top priority of the Council for the past six years and the re-opening of the campus was a true milestone. He proposed that the Town would continue its vigilant monitoring of the vital issue.

The Bullis Charter School, another public "start-up" school, had been extended an invitation to also submit a list of items to the Mayor for consideration by Council.

Jones suggested that the new multi-purpose room that was being constructed at the Bullis-Purissima campus as part of the \$12 million project would be available for community meetings. The new school would be the second largest public meeting space in Town and could be used by the community at large.

The Mayor concluded his presentation by requesting Council's consideration of his proposal as a way to ensure that the re-launch of public education was successful.

OPENED PUBLIC COMMENT

Joan Mellea, Los Altos Hills resident, stated that she was disturbed at the suggestion that taxpayers' dollars would be used for the funding of this item. She noted that property tax dollars, as well as bond measure funds, already subsidize LASD given the small number

of resident children that attend their schools. They have paid for the list of items for other new schools and she expressed her concern that the funds might be used for the lawsuit the district had filed against the County and Bullis Charter School. She suggested that the re-opening of the campus was a financial drain on the district.

Jim Abraham, Los Altos Hills resident, questioned if the contribution to the school would end discussions of the soccer school at the Bullis site. Council clarified that they were separate issues.

Duncan MacMillan, Los Altos Hills resident, commented that it was appropriate for the Council to take some action to support the re-opening of the school but the monetary commitment was too much. He proffered an alternative sponsorship initiative that would nominal expense. MacMillan suggested the donation of several benches for the school with the Town's name on them. These would be easily identified as the Town's contribution to the new campus. MacMillan recommended that if Council did approve any allocation for the Bullis-Purissima school, a similar amount should be given to the Bullis Charter School. MacMillan offered if the recruitment of students from PAUSD to the new school was successful and the attendance numbers improved, this could potentially be equivalent to the funding being discussed.

Jitze Couperus, Los Altos Hills resident, explained that the Fire District had considered funding fire sprinklers for the new school and it had been brought to his attention by a resident that a portion of property taxes were specifically allocated to schools and a separate portion of property taxes to the Town. The item being discussed by Council would take the taxes targeted for the Town and give them to the school. Couperus suggested that the "furniture" that had been given to the Charter school from the district be returned and the funding being considered be given instead to the Charter School.

David Pefley, Los Altos Hills resident and Los Altos School District Board member, commented that he had attended the Education Committee's meeting where this subject had first been broached. Pefley remarked that the District was fully committed to completing the \$12 million refurbishment of the campus. Going forward, any participation by the Town would be appreciated but was optional.

Linda Swan, Los Altos Hills resident, did not support funding and questioned how much money was being spent by the District on their current lawsuit with the County Board of Education. She suggested that the money would serve more Los Altos Hills kids if it were given to the Bullis Charter School noting that the re-opened elementary school would draw a majority of the students from Los Altos and Mountain View. Swan spoke to the damaged and old furniture and equipment that the District had given Bullis Charter when they first opened.

Eric Clow, Los Altos Hills resident, offered that if the Council were to focus on items for the multi-purpose room that would be used by the community at large, it might be a solution to the problem of using Town funds. He suggested that a matching donation be given to the Bullis Charter School.

Courtenay Corrigan, Los Altos Hills resident, commented that she supported a successful re-opening of Bullis-Purissima School but did not want to see Bullis Charter School

excluded in the education discussions. She suggested that it would be appropriate for the Los Altos School District to review the list provided by Superintendent Justus with all District schools including the Bullis Charter. Corrigan suggested that any funding to LASD include a stipulation that equitable facilities/equipment be provided to BCS.

Chris Moore, Los Altos Hills resident, stated that she was opposed to the funding. She suggested that it would set a bad precedent for the Town to give money to the schools. If the allocation was approved, then it should be given to all schools that Town children attend, including private schools.

Irene Hawsley, Los Altos Hills resident, commented that she strongly opposed the funding and suggested that LASD had grossly mismanaged their money. She did not want to see her tax dollars going to the District and suggested that the Bullis-Purissima campus was not representative of the entire community with Town children attending many other schools.

Stan Mok, Los Altos Hills resident, reminded Council that five years ago the Bullis Charter School had begun their opening year with bad equipment and furniture provided by the Los Altos School District. There had been numerous lawsuits between the two, including a recent filing by the District. He suggested that the Town had no control over LASD and noted that the Bullis Charter had a wait list of students seeking enrollment into their program. He suggested that the new facility at Bullis-Purissima should be offered to the Bullis Charter School as a permanent site.

CLOSED PUBLIC COMMENT

Council Discussion:

Councilmember O'Malley offered that the Council that had been seated in 2002 inherited a surplus of approximately \$12 million. During the ensuing six years, approximately \$6 million dollars had been spent including funding the construction of a new Town Hall and allocations for the Little League project, Westwind Barn and new paths. O'Malley did not support giving any money to the School District and believed this was not an appropriate use of Town funds.

Councilmember Warshawsky commented that he appreciated the efforts of the District to re-open a public school in Town. He was open to working with them on the endeavor and believed it was important to work towards a successful opening. He believed this was a considerable amount of money but it was a unique situation. Warshawsky supported some funding but wanted to hear from all Council before determining the amount.

Vice Mayor Mordo offered that he had a desire to extend an olive branch to the Los Altos School District but he was uncomfortable with the amount and the principle of using Town funds for the District. He noted that they received a significant amount of revenue from the residents' property taxes and could not support a sizable donation. Mordo added that he could agree to a modest contribution if there was some control over how the funds were allocated and suggested that a matching contribution be awarded to the Bullis Charter School. Mordo spoke to the discarded and broken furniture that had been

given to the Charter School by the District and how he and his wife and worked with the parents to clean the items and their efforts to make them presentable for the children to use.

Councilmember Kerr suggested that it might be more beneficial to guarantee that the launching of the school was successful by making funds available directly to the teachers. He proposed waiting until the new facility was hired and in place and then offering them \$500-\$1,000 per class for items that they needed for the school year. Kerr was not sure that additional meeting space was necessary in Town but he could support the funding if there was support from the majority of the Council

Mayor Jones stated that he understood the hardships that were encountered when the District closed the Bullis-Purissima school. He had experienced them both personally with his children and as an elected official but offered that the experience could not prejudice his efforts to ensure that the new Bullis-Purissima school was successful. Jones concurred that it would be appropriate to consider a matching donation to the Bullis Charter School whose student body was comprised of many residents' children.

MOTION MADE AND SECONDED: Moved by Jones, seconded by Warshawsky to approve a donation in the amount of \$13,010.57 to the Los Altos School District for the purchase of equipment and furniture for the new Multi-purpose Room at Bullis-Purissima School and to agendaize for council consideration at the next meeting, a matching donation to the Bullis Charter School.

MOTION WITHDRAWN: Mayor Jones withdrew the motion before Council.

PASSED BY CONSENSUS OF THE CITY COUNCIL: To agendaize for Council consideration at their next meeting, consideration of a donation in the amount of \$13,010.57 to the Los Altos School District for the Bullis-Purissima campus and a matching donation to the Bullis Charter School for a total of \$26,021.14.

9. Presentation by the Ad Hoc Sewer Infrastructure Committee – “Update on Sewer Expansion Project”

Councilmember O'Malley introduced the item to Council. The Ad Hoc Committee had been formed by the City Council approximately one year ago to review the state of the sewer system in Los Altos Hills and to develop a base of information that could evaluate if there was an interest or need to expand the sewer mains and what the associated costs would be. At the time that the committee was formed, little was known about the infrastructure system other than the approximately half of the residents were on sewer and the other half on septic systems. O'Malley was a member of the committee as the City Council representative.

O'Malley introduced the members of the Committee: Gloria Chen, Lauren Angelo, Mansour Moussavian, Former Mayor Bob Johnson, Mark Kroot. The Committee had prepared a PowerPoint presentation as an update to Council on their activities to date.

Lauren Angelo began the presentation by advising Council that their objective this evening was two fold: first, to present the findings of the sewer survey that was conducted in 2007; and, second, to gather Council feedback on their “next steps.”

Angelo provided a brief background as to the Committee’s formation, volunteer membership, staff assistance and their twice monthly meeting schedule and an overview of their review process for the sewer expansion project. Angelo noted that the charter of the Committee had been to garner an understanding of the existing sanitary sewer system’s coverage of the Town and to evaluate the possibility of extending the sewer mains to better serve those residents on septic systems that wished to connect. Their analysis included a consideration of sewer demand, feasibility of extending the mains and possible methods of financing the expansion.

Initially, the Committee sought an understanding of the system by studying the history of the Town’s current system and residential connectivity and the expansion plan that had been prepared by WRECO and funded by the Town. Based on the background study, the Committee then moved forward to Phase II of their study to develop and test hypotheses. They prepared and conducted a town-wide survey. Based on the results of the survey, they developed project criteria and using the criteria, they had prioritized a list of proposed projects. Future work for the sewer expansion project would include analyzing financial implications of the proposed projects, exploring funding options and developing and executing a communication plan. The final phase would be the preparation of proposal that would include: a project scope and timeline, financial model, funding proposal, and options for small, medium and large approaches to the project.

Angelo deferred to Committee Member Gloria Chen to provide an overview of the sewer survey that had been conducted by the committee.

Chen explained that the Committee had created the survey that had been distributed to Town residents currently on septic to determine their level of interest in connecting to sewer in the near future and to identify geographical clusters of interested residents. Approximately 1650 surveys had been mailed out with 743 total responses, a 45% return rate. The mailing included residents and properties in unincorporated spheres of influence.

Chen reviewed the surveys findings with Council. A primary goal of the survey was to assess the level of interest from respondents to connect to sewers. Approximately two-thirds of the septic systems were identified as over 16 years old. Responses to the survey had indicated that cost and satisfaction with the status quo were the two main reasons that septic users who had the option to connect had not. However, half of the residents that did not have a main available to them expressed an interest in connecting if a sewer main were to be installed on their street. Budget and septic system issues were most frequently cited as key factors in the decision to connect. Approximately 50% of the respondents indicated that they would probably connect within the next five years and approximately 40% stated that they had no plan to ever connect to the system.

Chen deferred to Committee Member Mark Kroot to review the Committee’s recommendations with Council. Kroot displayed a map that identified the sanitary sewer system for the Town. The map included trunk lines, connected properties and the two

sewer basins that serve the Town. Pockets of residents that had displayed an interest in connecting within the next five years were also displayed on the map. Kroot noted that in some areas where residents were currently on septic, if their fields failed, it was probable that they would not be able to install other septic system.

Kroot reviewed the Committee's proposed expansion approach that would bring sewer access to the most residents in the most cost effective process. They proposed the proactive expansion of a set of trunk lines or arterial sewer mains. The presentation included a list of proposed sewer main extension projects that identified the area, length of line, possible connections, and estimated construction costs.

Vice Mayor Mordo requested clarification on the potential reimbursement plan for costs associated with the projects. Kroot explained that the investigation of financing options was part of the "next step" in their review process. Councilmember O'Malley offered that one question the Committee would address was the level of obligation of the Town to provide access to sewers. He noted that the projects that had been put forward by the Committee were all on major roads.

Council discussion:

Mayor Jones suggested that the Committee, in moving forward and performing their due diligence effort on the issue, should attempt to assess the extent of a potential problem when the aging septic systems begin to fail. Specifically, what is the age of the existing systems; the projection of failure rate; and, the possible remediation for the failures. He suggested that this would help to evaluate the potential for a crisis and answer the question if the build out was a necessity.

O'Malley noted that the ability to rebuild a failed system was dependent on the individual property site. Some properties had the room, topography and soil conditions to build new leach lines and some did not. He offered that it would be difficult to access the current status but the Committee would attempt to gather the information.

City Manager Cahill suggested that the County Health Department's database might be a source for historical information. He noted that it would also be helpful to monitor regulatory trends from regional boards and the Health Department.

Vice Mayor Mordo concurred with O'Malley that each case was different and spoke to his own experience with the septic system on his property.

Council thanked the Committee for all of their efforts and analysis on the issue.

OPENED PUBLIC COMMENT

Karen Lemes, Los Altos Hills resident, expressed her opposition to converting from septic to sewer on her property. She believed the septic system was a great way to retain water on the property. Lemes suggested that septic systems helped to maintain the character of the neighborhoods.

Los Altos Hills resident, commented that she had been paying taxes for a sewer connection for approximately seven years and her property was not connected to the

sewer. She had researched the possibility of connecting to the sewer line and the cost had been prohibitive.

Allan Epstein, Los Altos Hills resident, commented on the list of projects offering that 132 homes would be connected via the projects with an average cost of \$35,000 per home. The cost did not include the resident's connection fee nor the costs associated with the connectivity from the home to the sewer. He advocated that the total cost for a connection would be in the \$60,000 range. Epstein suggested that if you used the number of residents that had expressed an interest in connecting, the cost would be even higher. He believed sewers were a non-issue and there was minimal interest in building out the sewer lines. The real issue was how to pay for sewers. Epstein offered that the issue would have to be allowed to grow organically.

Mark Kroot, Los Altos Hills resident, noted that his comments were as a Town resident. The Committee had identified 1500 homes that currently did not have access to sewer. The estimated cost to bring the lines out was \$20,000 per home. Kroot had surveyed the interest in his own neighborhood and ten homes had expressed an interest to connect and were willing to pay \$25,000 as a connection fee. He believed there was a demand and interest among property owners in the Hills.

CLOSED PUBLIC COMMENT

Councilmember O'Malley commented that there was no easy answer to the issue and questioned if the Town was interested in pursuing the investigation.

Mayor Jones suggested that the project could be similar to the undergrounding of utilities, where the project would be beneficial to the Town, yet too costly and with little resident interest. He supported the Committee's continued investigation and proposed that they include a review of the current septic systems. Jones understood that the data was imperfect and the results would be projections but believed it was a necessary component to the review. He suggested that an assessment of the different proposed projects and a review of financing options be included in the "next step".

Councilmember Warshawsky suggested that it would be of value to residents to have an understanding of the potential costs and feasibility for them to connect to sewer. He believed a Master Plan would be beneficial. Warshawsky offered that he was of the belief that the issue of sewers was more critical than the undergrounding of utilities and encouraged the Committee to continue their efforts.

Vice Mayor Mordo congratulated the Committee on their excellent presentation and effort on the study. He suggested that the Committee explore what areas would offer the highest payback for an investment by the Town and the possibility of forming Sewer Assessment Districts for interested residents.

PUBLIC HEARING

10. Mitigated Negative Declaration and Tentative Map for a Three-Lot Subdivision:
Lands of Agam and Cohen, 25706 Elena Road. File#148-07-IS-ND-TM
(Staff: B. Froelich)

City Council Ex Parte Contacts Policy Disclosure:

Vice Mayor Mordo commented that he had communicated by email and phone with the applicant.

Councilmember O'Malley had communicated by email with the applicant and neighbors of the project.

Associate Planner Brian Froelich introduced the item to Council. He proceeded with a PowerPoint presentation. The project was a 3-lot subdivision located on Vinedo Lane with frontage on Elena Road. The site was 3.38 acres with a 12% slope. The presentation included: an aerial of the subject site and immediate neighbors; tentative map of the three lots; a tree removal plan; conceptual development plan; slide of the existing road with the proposed widening delineated; list of the Planning Commission's recommend Conditions of Approval; and, photos from onsite.

Froelich explained that the primary issue that had been discussed during the Planning Commission's review of the project had been the proposed widening of Vinedo Lane. Vinedo Lane is a private road that is subject to a road maintenance agreement. The Fire Department and the Town's Engineering Department had required that the portion of Vinedo Lane along the frontage of the subject lots to be widened to the minimum standard of 20 feet. The road is currently 14 feet wide. Members of the Vinedo Lane road maintenance agreement requested input on the design and location of the road widening. The Planning Commission had voted 3-0-1-1 (3 ayes, no noes, 1 absent, 1 abstention) to require the applicant to widen Vinedo Lane to 20 feet and recommended that the Town Engineer consult with members of the road maintenance agreement and applicant as to the specifics of how and where the road was widened.

Froelich advised the Council, that since the Planning Commission hearing, the applicant and neighbors had met with Town Staff to discuss the road. Froelich reviewed the issues with the different options that had been proposed. He noted that widening the road on the north side would further offset the road from the centerline and the immediate neighbor had some concerns about the safety of the tapered road near his driveway. Additionally, there are issues relative to widening the road on the south side. Specifically, a mailbox would have to be relocated, vegetation would have to be trimmed, and, the existing curbs would have to be cut. The Town Engineer supported the second option with the widening on the north side of the road.

Froelich reviewed the Planning Commissions recommendations. They included: a 5 foot pathway easement adjacent to Vinedo Lane; the Town Engineer to work with members of the Road Maintenance Agreement with regards to the widening requirement and design of Vinedo Lane; and, the oak trees to be removed were required to be replaced by a 2:1 ratio with 36" box oak trees and all other removed specimens were to be replaced with native 5 gallon trees at a 2:1 ratio.

Vice Mayor Mordo advised Council that the applicant had requested consideration of a waiver of the requirement to underground the utility pole (Condition of Approval #9) until they submitted for the site development process. They had suggested it was a financial issue.

In response to Council questions on the road widening options, City Engineer Richard Chiu offered that the road could be widened three feet on each side or all six feet on either side. Each proposal would provide a safe solution. He had recommended the widening on the north side to allow the road to be more centered within the road-way easement. Additionally, the vehicles coming down the hill would enter an area that widened rather than narrowed.

OPENED PUBIC HEARING

Issac Agam, applicant, addressed Council. He was one of the three partners of the project. Agam stated that the road widening was not as a result of the proposed subdivision but would be a requirement for any new single family residence. Agam stated that the applicants had agreed in principle to the road widening noting that a design to widen the road 3 feet on each side would be more costly. They favored widening the road to the south. They concurred with the Conditions of Approval with one notable exception. Agam explained that they wanted to provide a bond as security and delay the subdivision improvement requirement to the Tentative Map to underground utilities. He explained that it was an issue of timing rather than cost. The investors needed to refinance the land loan (real estate loan) and wished to acquire a construction loan and this would require a building permit. Agam believed if they had to wait for PG&E to approve the undergrounding, there would be an extensive delay.

John Trayer, Vinedo Lane Road Association President, stated that the street was a private street with the residents responsible for the maintenance. He did not believe it was appropriate for the Town to determine how the road was widened. Trayer distributed a memorandum to the City Council that identified their concerns. Specifically, they wanted severe financial penalties placed on the applicants and paid to the association if construction vehicles blocked access to their road; they wanted assurance that the road would be constructed properly, the drainage issues on the road would be resolved, existing pine trees on the road be removed, and for the easement on the north side of the project property to be extended 10 feet to accommodate the pathway.

Vince Giacomini, Vinedo Lane, property owner directly across from the development addressed Council. He opposed removal of existing landscaping and expressed his concern that the suggested road improvements would add to additional drainage issues and requested that the integrity of the road be preserved. It was noted that the road association did not have a recommendation at this time for the road project.

Gerry Macomber, Vinedo Lane, commented that regardless of which option was chosen to widen the road, the road needed to be constructed properly and without seams that would add to the drainage issue in inclement weather. She noted that as properties sell and new homes constructed, their road would continue to require widening and she wanted assurance that there would be some consistency with the design.

Steve Wang, Vinedo Lane, adjacent neighbor to the project stated that he had attended all of the hearings on the project. He spoke to his primary concerns. If the road was widened exclusively on the north side, he wanted the road to be tapered. Additionally, he

wanted assurances that no additional utility poles would be placed on his property as a result of the subdivision project.

Lisa Wang, Vinedo Lane, adjacent neighbor, requested consideration of a 3:1 ratio of replacement trees for the removal of the existing oaks. With regard to the eight trees that would be used to mitigate the project from their property, she requested 36 inch box trees offering that they would have a more immediate screening impact.

Craig Miller, Vinedo Lane, adjacent property owner to proposed lot #1, suggested that the screening trees be planted immediately as a more affective mitigation to the site. He also wanted them to be larger in size. He looked forward to working with the applicants on the screening.

Patty Trayer, Vinedo Lane, explained that Vinedo Lane was a private road and she believed it was not appropriate for someone else to be making decisions regarding the street when they have maintained and been responsible for improvements to the road for many years. She suggested that if the Town wished to take over the road, the association would be amenable to them then making the decisions.

Eric Clow, Planning Commissioner, explained that the original recommendation of the staff and Pathway Committee had been for a 10 foot easement that allowed the pathway to meander behind the 10 forty foot cypress trees that would provide the essential screening for the project. The Planning Commission had voted 2-1 to reduce it to a five foot easement. He had cast the opposing vote.

CLOSED PUBLIC HEARING

Council discussion:

City Attorney Stave Mattas offered that he had drafted a motion to address the request of the applicant regarding the delay of the undergrounding of the utility lines.

Mattas reviewed the issues before Council that required resolution. He offered that Condition of Approval #14 addressed the widening of the road and directed that there be further consultation between the applicants, road association and City Engineer. If no agreement on the design and location for the widening could be reached that were acceptable to the City Engineer, the Condition defaulted to widening on the north side of the existing road. The road improvements were required to be constructed to the satisfaction of the City Engineer.

Mattas clarified the points contained in the correspondence that the Council had received from the Wangs during the public comment session. He suggested that the road construction methods had not been addressed at this point and items 2-3-4 of their letter implicated much more significant work on the roadway then had been discussed. Their additional comments regarding drainage had been addressed in the existing Conditions of Approval that required the submission of a detailed drainage plan for review and approval by the Engineering Department. Item 7 of their letter related to the

pathway easement and requested consideration of a 10 foot easement into the developer's property which had been the original recommendation of the staff and the Pathways Committee.

City Engineer Richard Chiu explained that the drainage plan for the project called for a drainage retention system on-site.

Planning Director Debbie Pedro summarized the Planning Commission's recommendation for the pathway easement. To reduce the burden on the applicant, they had reduced the Pathway Committee's recommendation for a 10 foot pathway easement that would meander behind the existing cypress trees to 5 feet. Pedro noted that some of the existing trees would be removed to facilitate the new driveway.

City Attorney Steve Mattas reviewed the draft motion that would address the request of the applicant to delay the undergrounding of utilities. The motion, if approved would be added to COA #15. The modification would state "if the applicant entered into a subdivision agreement, a one time extension of the commencement date requirement for performance of the undergrounding of gas and electric utilities would be agreed to subject to evidence that the applicant had made all reasonable efforts, including submitting necessary applications and paying any applicable fees. The City Engineer would then be the sole and final judge as to whether or not good cause had been shown to entitle the subdivider to the extension." Mattas explained that this would allow the applicant to move forward with the application for a site development permit and if he provided the security for the undergrounding improvement, he would be permitted a 6 month extension on the requirement prior to starting the building.

City Manager Cahill explained that staff supported the issuance of site development permits prior to the undergrounding of the utilities but did not agree with any issuance of building permits before the requirement was met.

Councilmember Kerr supported a 10 foot pathway easement.

Following a brief discussion, there was a concurrence of Council to uphold the recommendations tendered by the Planning Commission with the exception of the pathway easement. Councilmember O'Malley wanted assurance that there would be no new poles installed on the neighbor's property. Pedro confirmed that none would be constructed. O'Malley suggested that it would be appropriate for staff/Pathway Committee to revisit the pathway easement after the road design had been approved. He favored leaving the cypress trees.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to adopt the Mitigated Negative Declaration and Mitigation Monitoring Program; and, to approve the Tentative Map as recommended by the Planning Commission with the following amendments: Condition of Approval #14 be amended to read (second sentence) "**The improvements will address project related drainage** and shall be constructed...."; and Condition of Approval #5 be amended to require the 10 foot pathway easement as recommended by staff and the Pathways Committee.

For the record, prior to the vote, the applicant was asked by the Mayor if he was opposed to the amendments to the Conditions of Approval including; the modification to the Condition of Approval #14 relating to the project drainage; the extension to comply with the undergrounding requirement as stated by the City Attorney; and the modification to Condition of Approval #5 to require a the 10 foot pathway easement as originally recommended by staff and the Pathways Committee.

Issac Agam, applicant, commented that he was in agreement with the clarification to address drainage issues construction related. He stated that he was opposed to the amendment that the City Attorney had drafted. He wanted the Council to authorize the issuance of building permits prior to the undergrounding of the utilities. Council explained that this was not an option that was under consideration. Agam restated that he was opposed to the amendment as stated regarding the undergrounding requirement. Agam agreed, on the record, to the 10 foot pathway easement.

UNFINISHED BUSINESS (continued)

TOWN GOALS (11A-11F)

11A. Significantly Enhance Resident Access to Recreational Facilities

- Repair and Restore Westwind Barn to sustain long term viability

11A(1) Consideration of Contract for Preparation of Construction Documents for Westwind Community Barn Phase I Improvements

Councilmember Warshawsky recused himself from discussion of the item and stepped down from the dais.

Councilmember Kerr introduced the item. The item before Council was a proposal to begin the initial step to address the seismic, public safety and sanitary sewer issues at Westwind Barn. The item would return to Council when the design and bid package was completed.

The request before Council was for authorization to execute a contract with John Miller Architects and CSG Consultants, Inc to prepare construction documents for the Westwind Barn Phase I Improvement Project. Kerr noted that if the Council, in the future, wished to move forward with more extensive improvements to the facility, nothing in this project would be impacted or have to be removed.

Kerr reviewed the summary of Structural Project costs. He suggested that the proposal for work to be done in 2008 would cost approximately \$248,000 and noted that if the matching funds were not realized, this would help to address the collapse prevention work that could begin in 2009/2010.

City Manager Cahill explained that the proposal was to bring the facility up to the minimal health and safety standards. The request was for a contract to complete the design phase including the design and specifications for the sewer and seismic improvements. He requested that Council modify the 1:1 match from the Supporters for

this project, offering that from the Town's perspective, the proposal was to upgrade to manage risk and safety issues. He suggested that the \$880,000 for the core improvements at the facility would address these issues. Cahill suggested that anything beyond this could be the obligation of the Supporters and other donors. He believed the Supporters' mission was directed more to the aesthetics and amenities of Westwind Barn. Cahill explained that the request before Council had been triggered by the initial analysis of the building/construction and a review of the implied risk by the City Attorney's office. This was all based on information received after the initial hearing in December.

Mayor Jones stated that the majority of the Council had been tied to the 1:1 match that had reflected community support and any alteration to that arrangement would require additional discussion.

Council discussion ensued. Vice Mayor Mordo stated that he could approve spending \$93,000 for the plans without matching funds to better assess the project, but would be reluctant to approve any additional amount without the matching funds. He suggested that a new hearing would be required if the proposal that included matching funds was amended.

Councilmember O'Malley questioned what the level of support for the Westwind project was and noted that this could be a never ending project. He expressed concern that they might not be able to raise the required funds. O'Malley suggested that the Council visit the new training center at Stanford and noted that the building might be a good alternative option for Westwind that would provide stalls for the horses and be functional.

Cahill explained that the Supporters had committed to \$37,500 for soft costs (architecture costs) and were moving forward on fundraising.

O'Malley stated that he could support the request but if the costs that came back following the design work and were found to be escalating, he encouraged another review of the project. He agreed that it was appropriate to show that the Town was working to address the risk issue.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve the staff recommendation to authorize the City Manager to execute a contract with John Miller Architects and CSG Consultants, Inc. to prepare construction documents for the Westwind Community Barn Phase I Improvement Project.

- Enhance the Town Little League Fields

11A(2) Update on Design Plans for Town Little League Field Renovations
Item continued to the March 27, 2008 regular City Council meeting.

- Access adjacent recreational assets

Due to the lateness of the hour, there was no report.

11B. Return Public Elementary School Education to Los Altos Hills

Considered as Agenda Item #7 and Agenda Item #8

11C. Develop a Plan for Expanded Sewer Access to More Residents
Considered as Agenda Item #9

11D. Maintain and Build Off and On Road Pathways Already Approved on the
Pathways Master Plan
Due to the lateness of the hour, there was no report.

11E. Complete the Redrafting and Approval of the Town General Plan
Due to the lateness of the hour, there was no report.

11F. Complete the Undergrounding Pilot Project
Due to the lateness of the hour, there was no report.

12. Comment Letter on Proposed Model Water Efficient Landscape Ordinance AB 1881
(Staff: D. Pedro)
Item continued to the March 27, 2008 regular City Council meeting.

NEW BUSINESS

13. Ownership Status and Maintenance Responsibility for Chaparral Way (Staff: R. Chiu)
Item Continued to the March 27, 2008 regular City Council meeting.

14. Consideration of City Council Meeting Calendar – (Staff: K. Jost)
Item continued to the March 27, 2008 regular City Council meeting.

PLANNING COMMISSION REPORT

Verbal Report – Planning Commission Meeting of March 6, 2008
Due to the lateness of the hour, there was no report.

REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Due to the lateness of the hour, there was no report.

STAFF REPORTS

City Manager- No report
City Attorney-No report

15. City Clerk- City Council Correspondence
Council received the correspondence in the agenda packet. No report was given.

ADJOURNMENT

Meeting was adjourned by consensus of the City Council at 12:20 a.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the March 13, 2008 regular City Council meeting were approved as presented at the April 10, 2008 regular City Council meeting.